



February 25, 2005

## HOUSE BILL No. 1304

DIGEST OF HB 1304 (Updated February 22, 2005 1:59 pm - DI 92)

**Citations Affected:** IC 36-8.

**Synopsis:** Pension base for police officers and firefighters. Provides that the pension base for a police officer or firefighter includes the part of the officer's clothing allowance that exceeds \$600.

**Effective:** July 1, 2005.

**Cochran, Buell, Kromkowski**

January 11, 2005, read first time and referred to Committee on Public Safety and Homeland Security.  
February 17, 2005, reassigned to Committee on Ways and Means.  
February 24, 2005, reported — Do Pass.

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HB 1304—LS 7069/DI 44+



February 25, 2005

First Regular Session 114th General Assembly (2005)

PRINTING CODE. Amendments: Whenever an existing statute (or a section of the Indiana Constitution) is being amended, the text of the existing provision will appear in this style type, additions will appear in **this style type**, and deletions will appear in ~~this style type~~.

Additions: Whenever a new statutory provision is being enacted (or a new constitutional provision adopted), the text of the new provision will appear in **this style type**. Also, the word **NEW** will appear in that style type in the introductory clause of each SECTION that adds a new provision to the Indiana Code or the Indiana Constitution.

Conflict reconciliation: Text in a statute in *this style type* or ~~this style type~~ reconciles conflicts between statutes enacted by the 2004 Regular Session of the General Assembly.

## HOUSE BILL No. 1304

A BILL FOR AN ACT to amend the Indiana Code concerning pensions.

*Be it enacted by the General Assembly of the State of Indiana:*

1 SECTION 1. IC 36-8-1-11 IS AMENDED TO READ AS  
2 FOLLOWS [EFFECTIVE JULY 1, 2005]: Sec. 11. (a) "Salary of a first  
3 class patrolman or first class firefighter" means the base salary of a  
4 patrolman or firefighter plus:

5 (1) all longevity increases, if provided by the employer, for  
6 service of twenty (20) years or less; **and**

7 (2) **an amount equal to the greater of zero (0) or:**

8 (A) **the total remuneration or allowances for clothing that**  
9 **are paid to the patrolman or firefighter; minus**

10 (B) **six hundred dollars (\$600);**

11 but does not include remuneration or allowances for fringe benefits,  
12 incentive pay, holiday pay, insurance, clothing (**except to the extent**  
13 **allowed under subdivision (2)),** automobiles, firearms, education,  
14 overtime, or compensatory time off.

15 (b) With respect to the 1925, 1937, and 1953 funds, "salary of a first  
16 class patrolman or firefighter" may include longevity increases for  
17 more than twenty (20) years of service at the option of the employer but

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only if these longevity increases had taken effect before January 1, 1983.

SECTION 2. IC 36-8-6-19 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2005]: Sec. 19. (a) Remuneration or allowances for fringe benefits, incentive pay, holiday pay, insurance, ~~clothing~~, automobiles, firearms, education, overtime, or compensatory time off may not be used in the computation of benefits under this chapter.

(b) If the remuneration or allowances described in subsection (a) were used to compute benefits for a recipient who began receiving benefits before May 2, 1977, this computation may continue only for that recipient and only during the eligibility period for benefits. The municipality and the official involved are not liable for making the overpayment, and a recipient is not required to repay the overpayment.

**(c) Remuneration or allowances for clothing may be used in the computation of benefits under this chapter to the extent allowed under IC 36-8-1-11.**

SECTION 3. IC 36-8-7-25 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2005]: Sec. 25. (a) Remuneration or allowances for fringe benefits, incentive pay, holiday pay, insurance, ~~clothing~~, automobiles, firearms, education, overtime, or compensatory time off may not be used in the computation of benefits under this chapter.

(b) If the remuneration or allowances described in subsection (a) were used to compute benefits for a recipient who began receiving benefits before May 2, 1977, this computation may continue only for that recipient and only during the eligibility period for benefits. The unit and the official involved are not liable for making the overpayment, and a recipient is not required to repay the overpayment.

**(c) Remuneration or allowances for clothing may be used in the computation of benefits under this chapter to the extent allowed under IC 36-8-1-11.**

SECTION 4. IC 36-8-7.5-21 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2005]: Sec. 21. (a) Remuneration or allowances for fringe benefits, incentive pay, holiday pay, insurance, ~~clothing~~, automobiles, firearms, education, overtime, or compensatory time off may not be used in the computation of benefits under this chapter.

(b) If the remuneration or allowances described in subsection (a) were used to compute benefits for a recipient who began receiving benefits before May 2, 1977, this computation may continue only for that recipient and only during the eligibility period for benefits. The

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1 city and the official involved are not liable for making the  
2 overpayment, and a recipient is not required to repay the overpayment.

3 **(c) Remuneration or allowances for clothing may be used in the**  
4 **computation of benefits under this chapter to the extent allowed**  
5 **under IC 36-8-1-11.**

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## COMMITTEE REPORT

Mr. Speaker: Your Committee on Ways and Means, to which was referred House Bill 1304, has had the same under consideration and begs leave to report the same back to the House with the recommendation that said bill do pass.

ESPICH, Chair

Committee Vote: yeas 19, nays 0.

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